



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/781,001	02/09/2001	Michael B. Stennicke	24193-00	6428

26418 7590 02/06/2006

REED SMITH, LLP
ATTN: PATENT RECORDS DEPARTMENT
599 LEXINGTON AVENUE, 29TH FLOOR
NEW YORK, NY 10022-7650

EXAMINER

SHINGLES, KRISTIE D

ART UNIT PAPER NUMBER

2141

DATE MAILED: 02/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/781,001	Applicant(s) STENNICKE, MICHAEL B.	
	Examiner Kristie Shingles	Art Unit 2141	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

*Claim 1 has been amended. Claim 10 is new.
Claims 1-10 are pending.*

Response to Arguments

1. Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims 1 and 10** are rejected under 35 U.S.C. 102(e) as being anticipated by *Korolev et al* (US 6,438,539).

a. **Per claim 1**, *Korolev et al* teach a method of exchanging multimedia data between one master and a selected one of a plurality of catchers over an electronic network of computing devices, the data being exchanged among a plurality of computing devices connected to the

Art Unit: 2141

network, at least one of the plurality of computing devices performing functionality of an exchange, the method comprising the steps of:

- the master preparing at least one tender for requesting multimedia data of interest and submitting said tender to a plurality of catchers (Abstract, col.3 lines 19-48, col.18 lines 2-44; user inputs a request or post to the search agents);
- in response to receiving said tender for said requested multimedia data, one or more of the plurality of catchers acquiring and uploading said requested multimedia data to the exchange (col.2 line 63-col.3 line 18, col.3 lines 8-45, col.5 line 10-col.6 line 1, col.12 line 29-col.13 line 26; one or more search agents acquire and upload requested data to the database); and
- the master selecting one from among said one or more of the uploaded multimedia data by downloading said selected multimedia data from the exchange (col.2 lines 41-45, col.3 lines 37-47, col.6 lines 2-6; user selects data from among the returned search results),
- wherein each of the one or more of the plurality of catchers acquiring and uploading said requested multimedia data to the exchange records said multimedia data responsive to a request included within said tender submitted by said master and uploads said recorded multimedia data to said exchange (col.3 line 39-col.4 line 5, col.9 line 66-col.10 line 6, col.11 lines 4-12, col.13 lines 27-35).

b. **Per claim 10, Korolev et al** teach, the method of claim 1, wherein, in response to receiving said tender for said requested multimedia data, a plurality of catchers acquire and upload said requested multimedia data to the exchange, and wherein the master selects one from among said plurality of the uploaded multimedia data by downloading said selected multimedia data from the exchange (col.2 lines 41-45, col.3 line 37-col.4 line 5, col.6 lines 2-6, col.9 line 66-col.10 line 6, col.11 lines 4-12, col.13 lines 27-35).

4. **Claims 2-9** are rejected under 35 U.S.C. 103(a) as being unpatentable over *Korolev et al* (US 6,438,539) in view of *Inoue* (US 6,567,847).

a. **Per claim 2**, *Korolev et al* teach the method of claim 1 as applied above. *Korolev et al* further teach the method of registering users and identifying users of the system as requesters and providers (Figure 12, col.2 line 56-col.3 line 30, col.5 line 56-col.6 line 32). Yet *Korolev et al* fails to explicitly teach further including a step of registering a plurality of users, said plurality of users being indexed as the master and/or as a catcher of said plurality of catchers. However, *Inoue* discloses networked users participating as the uploading user and the downloading user (Figures 2 and 34, col.7 line 63-col.8 line 6, col. 25 lines 51-58, col.42 lines 1-56).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of *Korolev et al* and *Inoue*, in order for a user to record desired data requested by another user and upload the data to a central server or database in order for requesting users to download the data. It is common for users to participate in file sharing wherein one user acts as the “upload user” while another user acts as the “download user”. Implementing an exchange/information center, server or database for the data provides storage for all data requested and acquired, useful for archiving and quick access.

b. **Per claim 3**, *Korolev et al* and *Inoue* teach the method of claim 2, *Korolev et al* further teach the method wherein the step of preparing and submitting said tender further including steps of:

- creating a data path over the network between the exchange and one of the plurality of computing devices used by the master (col.16 lines 52-58) ;
- presenting said tender to said exchange by e-mail or posting on exchange's web page (col.6 lines 7-32, col.17 lines 13-47, col.18 lines 1-29); and

Art Unit: 2141

- selecting one or more of the plurality of catchers to whom said tender should be routed and routing said tender to the selected catchers (col.6 lines 23-48, col.13 line 56-col.14 line 65).

c. **Per claim 4**, *Korolev et al* teach the method of claim 3, wherein the step of routing is performed by e-mailing said tender to the selected catcher or posting said tender in an electronic mail box of the selected catcher on a web page of the exchange (col.6 lines 7-32, col.17 lines 13-47, col.18 lines 1-29).

d. **Per claim 5**, *Inoue* teaches the method of claim 4, wherein said step of acquiring and uploading further includes the steps of: creating thumbnails and descriptions for each unit of said multimedia data (col.8 lines 7-23; *Korolev et al*: col.11 line 65-col.12 line 10, col.14 lines 48-55).

e. **Per claim 6**, *Inoue* teaches the method of claim 5, wherein said step of recording further including the step of directing in real-time by the master of the catcher in recording of said requested multimedia data (col.42 lines 4-45).

f. **Per claim 7**, *Korolev et al* teach the method of claim 5, wherein the step of selecting further including the step of listing all the multimedia submitted in reply to said tender and all the multimedia that was uploaded to the exchange in the past and is equivalent to the tender (col.2 lines 30-51, col.2 line 63-col.4 line 5, col.13 lines 27-35; *Inoue*: col.7 line 58-col.8 line 38, col.24 line 57-col.25 line 16, col.31 line 59-col.32 line 6).

g. **Per claim 8**, *Inoue* teaches the method of claim 7, further including the step of setting a price for each unit of said submitted multimedia data by the plurality of catchers (col.12 lines 30-35, col.28 lines 51-61).

h. **Per claim 9**, *Inoue* teaches the method of claim 8, further including the steps of:

Art Unit: 2141

- billing the master with said set price of said selected and downloaded multimedia data (col.12 lines 30-35, col.24 line 66-col.25 line 7) and
- crediting the one or more catchers with the price of said selected submitted multimedia data (col.12 lines 30-35, col.28 lines 51-61, col.43 lines 7-17).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: *Hoffert et al* (USPN 6,374,260), *Basani et al* (USPN 6,718,361), *Hubbard* (USPN 6,963,897), *DeMello et al* (USPN 6,970,849), *Williams, Jr.* (USPN 6,108,686), *Woolston* (USPN 6,085,176), *Syeda-Mahmood* (USPN 5,920,856).

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Art Unit: 2141


7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kristie Shingles whose telephone number is 571-272-3888. The examiner can normally be reached on Monday-Friday 8:30-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharja can be reached on 571-272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kristie Shingles
Examiner
Art Unit 2141

kds


RUPAL DHARJA
SUPERVISORY PATENT EXAMINER